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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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ROBERT J. SCHAAP
6820 LA TIJERA BLVD., STE. 107
LOS ANGELES, CA 90045

EXAMINER	
TUSKROD	
ART UNIT	PAPER NUMBER
209	3

DATE MAILED: 02/24/88

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-28 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-28 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☒ The corrected or substitute drawings have been received on 12-24-87. These drawings are ☒ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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1. Formal drawings submitted December 21, 1987 have been approved by the office draftsman.

2. Claims 1, 7, 13, 25; 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In claims 1 and 28, the reference to user or installer (of what in particular?) knowledge need of the encoded signal and access to the interior of the transmitter or receiver are indefinite since (1) it is not evident (1) how the needs of either user or installer relate to the apparatus and method claims (2) what defines the interior of the transmitter or receiver (3) what is or is not skill required to program the receiver and (4) how the elimination of interior access need correlates with the knowledge need of either user or installer (the need of an unsuccessful user/installer to successfully operate the apparatus may be significant). The apparatus or method of operating the apparatus can be claimed without such reference to user or installer non-need of knowledge and interior access.

4. In claim 7 and 25, the references to types, different types of transmitters and encoded signals are indefinite. Neither the claims or specification provides clear definition of different types of transmitters or signals.

5. In claims 13, lines 3-7, the statement relating to the derivability of the encoded signal by

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electronic scanning techniques is beyond the scope of the disclosed invention. What electronic scanning means and techniques has applicant applied and tested to support the claim limitation of the claim?

6. Claims 2-6, 8-12; 14-18, 21, 22, 26; 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Except for claims 21 and 22 the dependent claims are necessarily rejected as being indefinite since they depend from rejected claims 1, 7, 13; 25. Claims 21 and 22 include a reference to needs and skills of user or installer which are indefinite. Is the apparatus programmable by user/^{or}installer access means within the interior of transmitting and receiver? If not, why could interior access be necessary and non-access be significant as claimed?

8. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not

preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

9. Claims 1-6, 19-22, 23, 24 and 28 are rejected under 35 U.S.C. 103 as being unpatentable over Twardowski or in view of Pinnow.

10. Twardowski discloses programmable transmitter receiver means 7 and receiver control means 30, Figure 1 and 3, 7 and 8. The design of means 9, 30 is such that a user need not know the program signals, signal format, signal code etc. The code programming changes automatic when means 30 is switched via 41 to a program mode. The means 9, 30 include microprocessor means which enable code programming and control of plural devices or functions (col. 2, lines 43-57). Thus one or more units 9 can be programmed to control one or more units 30. In that either unit 9 or 30 has microprocessor design, memory, transmit and receive capability, it is evident that either unit 9, 30 could be programmed relative to the other. Thus the claimed order of having a receiver control unit programmed via a transmitter-encoder unit is obvious matter to one of ordinary skill in the art.

11. The further microprocessor operations claimed or implied concerning code comparison of once, twice or more transmitted signature codes or control signals with one another and a receiver stored signature control code or signal, or plural such codes, is further obvious from the disclosure of Twardowski, the disclosure of Pinnow

and the general knowledge in the art of code access control systems. Pinnow discloses that programmable code transmitters and receiver units can be programmed with plural codes and that the receiver can be responsive to codes generated by different (code base or channels etc.) transmitting units as well. (See col. 3, lines 20-49 and col. 7, lines 44-67).

12. The systems of Twardowski and Pinnow are versatile as to programming capabilities and obviously could be restricted to fixed code programming which does not require a user to know or choose or input a selected code for programming a unit of the system with the same. The claimed "user" or "installer" signal programming operation and restricted system is considered to be an obvious alternative design variation within the teachings of either Twardowski or Pinnow discloses.

13. Claims 7-12 and 25-27 are rejected under 35 U.S.C. 103 as being unpatentable over Pinnow.

14. Pinnow discloses a user programmable remote control access system substantially as claimed. The claimed radio frequency digitally encoded signal transmitters, receivers, are suggested by the I.R. transmitter, receiver, units 10, 40, Figures 1 and 2, of Pinnow. Pinnow suggests different types or forms of transmitters-receivers can be used to suit various exemplary control systems; auto, home business etc. (see abstract). The transmitters of Pinnow could be ^{single} ~~signal~~ or multichannel units of either I.R., R.F. ultrasonic or any prior art communication design in general.

As such, the claimed different types of transmitters are receivers do not patentably distinguish over Pinnow. Pinnow's system is programmable, features microprocessor control units, and a level of skill commensurate with the claim 10 level of skill required to operate a program switch on a receiver. Given the microprocessor design of Pinnow's system, automatic time control of programming as per claim 12/^{is}a routine design feature. Any operation including time to access could routinely be programmed by the system Pinnow.

15. Claims 13-18 are rejected under 35 U.S.C. 103 as being unpatentable over Twardowski or Pinnow.

16. Claim 13 differs from other claim groups by including at part (d) a limitation relating to delayed signal comparison to thwart unauthorized access via code generated scanners. The delay feature introduced following a non-valid signal comparison is a feature well known in the art of related code control access systems and could routinely be incorporated by either Twardowski or Pinnow in each of their systems.

17. Claims 13-18 are otherwise drawn to obvious matter over the references for reasons given in the rejection of claims 1-12; 19-28.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Chlers is pertinent for the programmable control transmitter/receiver units 16 which embody different code signals, signal bases, microprocessor

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operation, design etc. Weishaupt discloses IR and ultrasonic UHF transmitter alternatives in an access system.

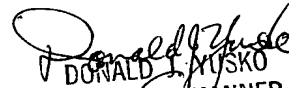
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald J. Yusko whose telephone number is (703) 557-3355.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3321.

D. YUSKO:flj

703-557-3355

02-10-88


DONALD J. YUSKO
PRIMARY EXAMINER
GROUP 264